

**REMARKS**

Claims 1-31 are all the claims pending in the present application. Claims 1, 2, 4, 5, 7-22, and 25-31 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Moriyama et al. (U.S. Patent Application Publication No. 2002/0041686). Claim 24 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Moriyama in view of Kato et al. (U.S. Patent No. 6,618,549). Claims 3 and 6 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Moriyama in view of Kataoka et al. (U.S. Patent No. 6,243,469). Finally, claim 23 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Moriyama et al. in view of Schneier, Bruce (Applied Cryptography, 2<sup>nd</sup> Edition, 1996).

**§102(b) Rejections (Moriyama) - Claims 1, 2, 4, 5, 7-22 and 25-31**

Claims 1, 2, 4, 5, 7-22 and 25-31 are rejected over Moriyama based on the reasons set forth on pages 2-7 of the present Office Action. Applicant traverses these rejections at least based on the following reasons.

A brief description of Moriyama is as follows.

Moriyama is directed to a copyright protecting method of scrambling an information signal inputted via an input path and outputting it via an output path. First, a selected condition to eliminate copying of the information signal via an unauthorized path is set. The selected condition includes combinations of a plurality of types of scramble systems applicable to the information signal and a plurality of types of the copy control information. Then, the type of the scramble system of the inputted information signal and the type of the copy control information of the inputted information signal are discriminated. Further, a predetermined scramble system is applied to the inputted information signal and a scrambled output is produced when a

combination of the discriminated type of the scramble system and the discriminated type of the copy control information coincides with that included in the selected condition.

With respect to independent claim 1, Applicants submit that Moriyama does not disclose or suggest at least, “a data encrypting unit which encrypts data by using different encryption processes according to respective control modes corresponding to the set control information,” as recited in claim 1. The Examiner alleges that numbered paragraph 77, 78, 80, 81 and 86 of Moriyama satisfies the above quoted feature of claim 1. The cited portions of Moriyama only disclose that a plurality of scrambled systems are applicable to digital systems corresponding to content. That is, the systems are selectively used in respective equipment so that digital signals are scrambled or descrambled appropriately. Nowhere, however, does Moriyama disclose or suggest using different encryption processes according to respective control modes corresponding to the set control information. The implementation of the respective, different encryption systems in Moriyama is not performed according to respective control modes. Therefore, at least based on the foregoing, Applicants submit that Moriyama does not anticipate claim 1.

Applicants submit that independent claims 14, 19 and 27 are patentable at least based on reasons similar to those set forth above with respect to claim 1.

Further, with respect to independent claims 1, 14, and 19, the Examiner does not cite what he/she believes corresponds to the claimed transmitting apparatus of claim 1, the recording medium of claim 14, and the encrypting apparatus of claim 19. The Examiner only cites Figs. 1-3 of Moriyama. For example, with respect to claim 1, Fig. 1 of Moriyama only shows a system with various apparatuses, however, the Examiner has not identified which apparatus allegedly

corresponds to the claimed transmitting apparatus of claim 1, and therefore has not identified the claimed elements that constitute the claimed transmitting apparatus of claim 1.

Applicants submit that independent claims 2, 7, 11, 21, 25, and 28-30 are patentable at least based on reasons similar to those set forth above with respect to claim 1.

Applicants submit that dependent claims 4, 5, 8-10, 12, 13, 15-18, 20, 22, 23, 26, and 31 are patentable at least by virtue of their respective dependencies from independent claims 1, 2, 7, 11, 14, 19, 21, 25 and 30.

§103(a) Rejection (Moriyama/Kato) - Claim 24

Claim 24 is rejected based on the reasons set forth on pages 7-8 of the present Office Action. The Examiner alleges that Moriyama satisfies the claimed elements of the claimed decrypting apparatus.

First, Applicants submit that the Examiner does not even identify what alleged component of Moriyama corresponds to the claimed decrypting apparatus that comprises the claimed code checking unit and decryption module. Yet further, the Examiner appears to believe that the secondary reference Kato satisfies the claimed feature, “a decryption module which inserts a same code as the CCI code into one of a most significant bit (MSB) and a least significant bit (LSB) of a key code for use in decrypting the data, in response to the CCI code being one of predetermined codes for controlling copying of the data,” as recited in claim 24. The Examiner cites Fig. 3 and col. 6, lines 36-50 of Kato as allegedly satisfying the above-quoted feature. However, the cited portion of Kato only describes the configuration of a packet generated by the packetizing circuit 14 employed in the IRD 1 of the packetizing circuit 34 of Kato. There is no teaching or suggestion of inserting a same code as a CCI code into one of a

most significant bit and a least significant bit of a key code. Therefore, claim 24 is patentably distinguishable over the applied references, either alone or in combination.

§103(a) Rejections (Moriyama/Kataoka) - Claims 3 and 6

Applicants submit that dependent claims 3 and 6 are patentable at least by virtue of their respective dependencies from independent claim 1. Kataoka does not make up for the deficiencies of Moriyama.

§103(a) Rejections (Moriyama/Schneier) - Claim 23

Applicants submit that dependent claim 23 is patentable at least by virtue of its dependency from independent claim 21. Schneier does not make up for the deficiencies of Moriyama.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

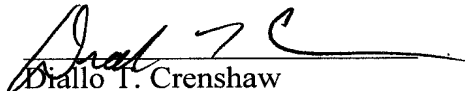
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